

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 24326 of 2013

Jagabandhu Sahoo

.....

Petitioner

Mr. S.S. Rao, Adv.

Vs.

*Project Director, National High Way
Authority of India & Another*

.....

Opposite Parties

Mr. A.K. Nanda, A.G.A.

Mr. U.C. Mohanty, Adv.

(For O.P. No. 1)

CORAM:

JUSTICE BISWAJIT MOHANTY

JUSTICE SAVITRI RATHO

ORDER

28.09.2022

Order No.

11.

1. Heard Mr. S.S. Rao, learned counsel for the petitioners, Mr. A.K. Nanda, learned Additional Government Advocate and Mr. U.C. Mohanty, learned counsel for the opp. party no.1.

2. The present writ petition has been filed with the following prayer:

“It is therefore prayed that this Hon’ble Court may graciously be pleased to admit the writ application and issue Rule “NISI” to the Opp. Parties to show cause as to

(i) Why, the action of the Opposite party No.1 in issuing the impugned notice under Annexure-5 in the facts and circumstances of the case will not be declared as illegal and as such liable to be set aside; and

(ii) Why the Opposite parties will not be directed to settle plot No. 609 in favour of the petitioner by way of lease or permanent settlement by accepting the required amount within a stipulated time;

And if the Opp. Parties do not show cause then the Rule be made absolute by issuing appropriate writ/writs and any other order as deem fit be passed;

And for such act of kindness the petitioner as in

duty bound shall ever pray.”

3. During course of hearing, Mr. Rao fairly submits that the Plot No. 609 and 610 in respect of which notice under Annexure-5 was issued belong to the National Highway Authorities after the same was transferred by the State Government to them. Mr. Nanda, learned Additional Government Advocate also submits that the lands in question have been handed over to the National Highway Authorities for construction of the road. In such background, we do not find any illegality vis-a-vis the notice issued by the opp. party no.1 to the petitioner for removable of unauthorized occupation from their land. With regard to the second prayer of the petitioner Mr. Mohanty, learned counsel representing the opp. party no.1 submits that there is no provision under any law or under the Control of National Highways (Land and Traffic) Act, 2002 for settling such land with unauthorized occupant like the petitioner. In such background the prayer of the petitioner for a direction to opp. party to settle the Plot No. 609 in favour of the petitioner cannot be entertained.

4. Accordingly, the writ petition is dismissed.

Issue urgent certified copy of this order as per rules.

(Biswajit Mohanty)
Judge

(Savitri Ratho)
Judge